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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/802,665
Filing Date: 03/09/2001
Appellant(s): Travis J. Parry

Travis J. Parry

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/29/2006 appealing from the Office action mailed 03/10/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|---------------|---------|
| 6,671,756 | Thomas et al. | 12-2003 |
| 6,131,130 | Van Ryzin | 10-2000 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US-6,671,756) in view of Van Ryzin (US-6,131,130).

Regarding claim 1, Thomas discloses a switching device (fig. 1, switch 2) comprising:

a transmitter and a receiver (col. 4, lines 10-13) operable to provide wireless communication ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10) between the switching device and a peripheral device (fig. 1, keyboard 9, mouse 10), and the transmitter and the receiver operable to provide a second communication link between the switching device and a selected one of a plurality of available computing devices (described as "Switch 2 receives (receiver) the keyboard/mouse

signals, makes appropriate translations, and delivers (transmitter) them to the selected computer 13A ", see col. 5, lines 55-60 and fig. 2);

a computer readable medium having instructions (fig. 8, elements 38-40; see col. 9, lines 62-col. 10, line 10) for:

maintaining a list of available computing devices (fig. 8, PCs 13 and col. 5, lines 2-9);

receiving a user communication selecting from among the list of available computing devices (col. 4, line 17-col. 5, line 20); and

utilizing the transmitter and the receiver to establish a first wireless link between the peripheral device and the switching device ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10 and col. 4, lines 10-13) and the second communication link between the switching device and a computing device (described as "Switch 2 receives (receiver) the keyboard/mouse signals, makes appropriate translations, and delivers (transmitter) them to the selected computer 13A ", see col. 5, lines 55-60 and fig. 2) selected from the list of available computing devices (col. 4, line 52-col. 5, line 20);

a processor operable to execute the instructions (fig. 8, elements 38-40; see col. 9, lines 62-col. 10, line 10).

But, Thomas lacks to especially recite the second communication link is a wireless link. However, Van Ryzin teaches a wireless link between the switch (personal computer 2) and audio/video devices (described as "Wireless communication means transmits, via a wireless medium, wireless communications between the personal

computer and the audio/video devices. Wireless peripheral means enters, remotely from the personal computer, wireless commands for controlling the audio/video devices. The wireless commands are communicated by the wireless communication means from the wireless peripheral means to the personal computer which generates signals for controlling the audio/video devices in accordance with the wireless commands. Coupling means couples, in accordance with the signals, the wireless communications to the wireless communication means for wireless transmission to the audio/video devices" see col. 2, lines 8-22). Since, Thomas and Van Ryzin (col. 4, lines 20-30 and col. 6) are related to the method of using a switch to operate the selected device; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmitter/receiver of Thomas not only provide wireless connection between the switch and the user workstation but also wireless connection between the switch and the computers as taught by Van Ryzin for purpose of offering advantageously the wireless technology to Thomas's system in order to avoid "the entire house be hardwired which is both tedious work and expensive to implement", see (col. 1, lines 24-27).

Regarding claim 10, Thomas discloses a computing system (fig. 8) comprising: multiple computing devices (fig. 8, PCs 13), each of which being configured for a second communication link;

one or more peripheral devices (fig. 1, keyboard 9, mouse 10) receive and/or transmit data ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10); and

a switching device (fig. 1, switch 2) configured to:

maintain a list of available computing devices from among the multiple computing devices (fig. 8, PCs 13 and col. 5, lines 2-9);

receive a user communication selecting from among the list of available computing devices (col. 4, line 17-col. 5, line 20); and

establish a first wireless link ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10) between the peripheral device and the switching device (fig. 1) and the second communication link between the switching device and a computing device (described as "Switch 2 receives (receiver) the keyboard/mouse signals, makes appropriate translations, and delivers (transmitter) them to the selected computer 13A", see col. 5, lines 55-60 and fig. 2) selected from the list of available computing devices enabling wireless user interaction (col. 4, line 17-col. 5, line 20).

But, Thomas lacks to especially recite the second communication link is a wireless link. However, Van Ryzin teaches a wireless link between the switch (personal computer 2) and audio/video devices (described as "Wireless communication means transmits, via a wireless medium, wireless communications between the personal computer and the audio/video devices. Wireless peripheral means enters, remotely from the personal computer, wireless commands for controlling the audio/video devices. The wireless commands are communicated by the wireless communication means from

the wireless peripheral means to the personal computer which generates signals for controlling the audio/video devices in accordance with the wireless commands.

Coupling means couples, in accordance with the signals, the wireless communications to the wireless communication means for wireless transmission to the audio/video devices" see col. 2, lines 8-22); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmitter/receiver of Thomas not only provide wireless connection between the switch and the user workstation but also wireless connection between the switch and the computers as taught by Van Ryzin for purpose of offering advantageously the wireless technology to Thomas's system in order to avoid "the entire house be hardwired which is both tedious work and expensive to implement", see (col. 1, lines 24-27).

Regarding claim 16, Thomas discloses a computing system (fig. 8) comprising:
multiple computing devices (fig. 8, PCs 13), each of which being configured for a second communication link;

one or more peripheral devices (fig. 8, elements 3-10 and col. 7, line 42-col. 8, line 33) configured to wirelessly receive and/or transmit data ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10) and linkable with the computing devices for data exchange (col. 11, lines 52-64); and

a switching device (fig. 8, switch 37 and col. 7, line 42-col. 8, line 33) configured to

wirelessly ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10) receive and transmit (col. 4, lines 10-13) data from and to the peripheral and the second communication link with computing devices;

maintain a list of available computing devices from among the multiple computing devices (fig. 8, PCs 13 and col. 5, lines 2-9);

receive a user communication selecting from among the list of available computing devices (col. 4, line 17-col. 5, line 20); and

establish a first wireless link ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10) between the one or more peripheral devices and the switching device (col. 4, lines 10-13) and the second communication link between the switching device and a computing device (fig. 8, PC 13 and col. 7, line 42-col. 8, line 33) selected from the list of available computing devices enabling wireless user interaction with the computing device (col. 4, line 52-col. 5, line 20). But, Thomas lacks to especially recite the second communication link is a wireless link. However, Van Ryzin teaches a wireless link between the switch (personal computer 2) and audio/video devices (described as "Wireless communication means transmits, via a wireless medium, wireless communications between the personal computer and the audio/video devices. Wireless peripheral means enters, remotely from the personal computer, wireless commands for controlling the audio/video devices. The wireless commands are communicated by the wireless communication means from the wireless peripheral means to the personal computer which generates signals for controlling the audio/video devices in accordance with the wireless commands. Coupling means couples, in

accordance with the signals, the wireless communications to the wireless communication means for wireless transmission to the audio/video devices" see col. 2, lines 8-22); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Thomas as taught by Van Ryzin for purpose of offering advantageously the wireless technology to Thomas's system in order to avoid "the entire house be hardwired which is both tedious work and expensive to implement", see (col. 1, lines 24-27).

Regarding claim 21, Thomas discloses a method of controlling multiple computing devices (fig. 8, PCs 13) utilizing a switching device (fig. 8, switch 37 and col. 7, line 42-col. 8, line 33), the method comprising:

- establishing a first wireless link ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10) with a peripheral device (fig. 1, keyboard 9, mouse 10);

- maintaining a list of available computing devices (fig. 8, PCs 13 and col. 5, lines 2-9);

- receiving data from a user (described as "Switch 2 receives (receiver) the keyboard/mouse signals, makes appropriate translations, and delivers (transmitter) them to the selected computer 13A", see col. 5, lines 55-60 and fig. 2), the data being associated with a user selection of an available computing devices from the list (col. 4, line 17-col. 5, line 20);

- using the received data to select a computing device (col. 4, lines 17-53);

establishing a second communication link with the selected computing device (col. 4, line 52-col. 5, line 20); and

permitting the user to interact with the selected computing device via said first wireless link and second communication link. But, Thomas lacks to especially recite the second communication link is a wireless link. However, Van Ryzin teaches a wireless link between the switch (personal computer 2) and audio/video devices (described as “Wireless communication means transmits, via a wireless medium, wireless communications between the personal computer and the audio/video devices. Wireless peripheral means enters, remotely from the personal computer, wireless commands for controlling the audio/video devices. The wireless commands are communicated by the wireless communication means from the wireless peripheral means to the personal computer which generates signals for controlling the audio/video devices in accordance with the wireless commands. Coupling means couples, in accordance with the signals, the wireless communications to the wireless communication means for wireless transmission to the audio/video devices” see col. 2, lines 8-22); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thomas as taught by Van Ryzin for purpose of offering advantageously the wireless technology to Thomas’s system in order to avoid “the entire house be hardwired which is both tedious work and expensive to implement”, see (col. 1, lines 24-27).

Regarding claim 2, Thomas and Van Ryzin disclose the switching device as recited in the rejection of claim 1. Thomas further discloses wherein the instructions for utilizing the transmitter and the receiver (col. 4, lines 10-13) include instructions (fig. 8, elements 38-40; see col. 9, lines 62-col. 10, line 38) for utilizing the transmitter and receiver to establish a wireless link ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10) between the selected computing device and a plurality of peripheral devices (fig. 1, keyboard 9, mouse 10) that can be used by a user to interact with the selected computing device (col. 4, line 52-col. 5, line 20).

Regarding claims 3, 12 and 18, Thomas and Van Ryzin disclose all limitations as recited in the rejections of claims 2, 10 and 16, respectively. Thomas further discloses wherein said at least one peripheral device comprises a keyboard (fig. 1, keyboard 9).

Regarding claims 4, 13 and 19, Thomas and Van Ryzin disclose all limitations as recited in the rejections of claims 2, 10 and 16, respectively. Thomas further discloses wherein said at least one peripheral device comprises a mouse (fig. 1, mouse 10).

Regarding claims 5, 14 and 20, Thomas and Van Ryzin disclose all limitations as recited in the rejections of claims 2, 10 and 16, respectively. Thomas further discloses wherein said at least one peripheral device comprises a display (fig. 1, video 8).

Regarding claims 6, 15 and 23, Thomas and Van Ryzin disclose all limitations as recited in the rejections of claims 2, 10 and 21, respectively. Thomas further discloses wherein said at least one peripheral device comprises one or more of a keyboard (fig. 1, keyboard 9), a mouse (fig. 1, mouse 10) and a display (fig. 1, video 8).

Regarding claim 7, Thomas and Van Ryzin disclose the switching device as recited in the rejection of claim 1. Van Ryzin further discloses wherein the transmitter and receiver are configured to establish a wireless link via BlueTooth (described as "in the present invention, wireless peripherals including wireless keyboard/mouse touchpad 8, wireless video monitor 10 and wireless speakers/headphones 12 are also provided which communicate with wireless computer 2 via antenna 2a. The wireless signals are preferably RF signals or any such signals which are capable of passing through walls in the home such that the user may operate the audio/video devices from anywhere in the home" (see col. 3, lines 25-30).

Regarding claim 8, Thomas and Van Ryzin disclose the switching device as recited in the rejection of claim 1. Thomas further discloses wherein the transmitter and receiver comprise an integrated unit (fig. 3 and col. 6, lines 19-21).

Regarding claim 9, Thomas and Van Ryzin disclose the switching device as recited in the rejection of claim 1. Thomas further discloses further comprising a storage device (fig. 8, RAM 39 and EEROM 40) to maintain a list of available computing devices

(col. 9, line 47-col. 10, line 10).

Regarding claims 11 and 17, Thomas and Van Ryzin disclose all limitations as recited in the rejections of claims 10 and 16, respectively. Thomas further discloses wherein the selected computing device is a desktop computer (fig. 8, PC 13) and wherein establishing a wireless link (inherently for “wireless connection”; see col. 2, lines 8-9) comprises establishing a wireless link between the peripheral device and the desktop computer (col. 4, lines 10-53).

Regarding claim 22, Thomas and Van Ryzin disclose the method as recited in the rejection of claim 21. Van Ryzin further discloses wherein said receiving comprises wirelessly receiving said data from the user (described as “Wireless communication means transmits, via a wireless medium, wireless communications between the personal computer and the audio/video devices. Wireless peripheral means enters, remotely from the personal computer, wireless commands for controlling the audio/video devices. The wireless commands are communicated by the wireless communication means from the wireless peripheral means to the personal computer which generates signals for controlling the audio/video devices in accordance with the wireless commands. Coupling means couples, in accordance with the signals, the wireless communications to the wireless communication means for wireless transmission to the audio/video devices” see col. 2, lines 8-22).

Regarding claim 25, Thomas discloses one or more readable media having instructions (fig. 8, elements 38-40; see col. 9, lines 62-col. 10, line 10) thereon which, when executed by a switching device (fig. 8, switch 37 and col. 7, line 42-col. 8, line 33), cause the switching device to:

establish a first wireless link ("a wireless connection in lieu of the CAT5 connection", see col. 2, lines 8-10) with a peripheral device (fig. 1, keyboard 9, mouse 10);

maintain a list of available computing devices (fig. 8, PCs 13 and col. 5, lines 2-9);

wirelessly receive data (col. 4, lines 10-13) from a user (described as "Switch 2 receives (receiver) the keyboard/mouse signals, makes appropriate translations, and delivers (transmitter) them to the selected computer 13A via cable 14 into ports 15", see col. 5, lines 55-60 and fig. 2), the data being associated with a user selection from the list of available computing devices (col. 4, line 52-col. 5, line 20);

use the received data to select said one computing device (col. 4, lines 37-53);

establish a second communication link (fig. 1) with the selected computing device (col. 4, line 52-col. 5, line 20); and

permit the user to interact with said one computing device (col. 4, lines 37-53) via said first wireless link and second communication link. But, Thomas lacks to especially recite the second communication link is a wireless link. However, Van Ryzin teaches a wireless link between the switch (personal computer 2) and audio/video devices (described as "Wireless communication means transmits, via a wireless medium,

wireless communications between the personal computer and the audio/video devices. Wireless peripheral means enters, remotely from the personal computer, wireless commands for controlling the audio/video devices. The wireless commands are communicated by the wireless communication means from the wireless peripheral means to the personal computer which generates signals for controlling the audio/video devices in accordance with the wireless commands. Coupling means couples, in accordance with the signals, the wireless communications to the wireless communication means for wireless transmission to the audio/video devices" see col. 2, lines 8-22); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Thomas as taught by Van Ryzin for purpose of offering advantageously the wireless technology to Thomas's system in order to avoid "the entire house be hardwired which is both tedious work and expensive to implement", see (col. 1, lines 24-27).

(10) Response to Argument

Appellant's arguments have been fully considered and are deemed not persuasive for following reasons.

a) Appellant argued that the combination of Thomas and Van Ryzin do not teach or suggest a switching device that includes a transmitter and receiver pair (see page 7) and establishing a second wireless link between the switching device and a computing device (see pages 10-14). The examiner respectfully disagrees. It is noted that one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this particular case, Thomas discloses a switch (fig. 1, 2) by which many of the multiple users can access one or more of the different computers, even simultaneously to any one given computer. In figure 1, Thomas shows that the switch can accommodate two user workstations (each user workstation includes keyboard, mouse, and monitor) and one of the user workstations may be relatively far from the switch ("for example up to 500 feet away" see col. 3). Since, Thomas also suggests that a wireless connection can be employed for the connection between the switch and the user workstation (col. 2, lines 8-12), therefore Thomas discloses the switch including a transmitter/receiver in order to provide wireless communication between the switch and the user workstation. But, Thomas does not particularly teach the transmitter/receiver being used to provide the wireless connection between the switch and the computers. However, Van Ryzin teaches that the wireless link can be implemented with personal computer (see fig. 1 and col. 2, lines 8-22). Since, Thomas and Van Ryzin (col. 4, lines 20-30 and col. 6) are related to the method of using a switch to operate the selected device; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmitter/receiver of Thomas not only provide wireless connection between the switch and the user workstation but also wireless connection between the switch and the computers as taught by Van Ryzin for purpose of offering advantageously the wireless technology to Thomas's system in

order to avoid “the entire house be hardwired which is both tedious work and expensive to implement”, see (col. 1, lines 24-27).

b) The appellant stated that the passage (col. 2, lines 8-12) is taken from the background/summary and by it self provides very little insight as to what Thomas is actually describing. The examiner respectfully disagrees, because the wireless connection’s suggestion provides a complete teaching for the use of the transmitter/receiver of the switch. It is noted that the examiner relies upon references, as a whole, to read on the claimed limitations. References’ specific citations are to pinpoint pertinent passages to aid in the understandings of the reference as applied to the particular claimed elements.

c) The appellant argued that “There is no wireless communication between switches (18a) and (18b) and computer (2). As such, Van Ryzin does not teach a wireless communication between a switching device and a computer or the components that would be capable of such communication” (see pages 10-11). The examiner respectfully disagrees. Since, Van Ryzin teaches the system that allows the user to use the wireless peripherals (fig. 2, 4) to operate the wireless computer (fig. 2, 2) for selecting and controlling the selected wireless audio/video devices from any where in the house (cols. 2 and 3); therefore Van Ryzin discloses the wireless computer as a switching device which contains transmitter/receiver for wirelessly communicate with user’s selected devices. It is asserted the teaching of Van Ryzin in the switching device of Thomas in order for using the transmitter/receiver not only provide wireless

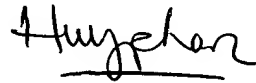
connection between the switch and the user workstation but also wireless connection between the switch and the computers.

d) It is noted that the appellant indicated the use of the reference "Schneider" (see pages 10 and 14) for the arguments. However, the examiner never cited "Schneider" in the previous rejection.

(11) Conclusion

For the above reasons, it is believed that the rejection is proper, and the Board of Patent Appeals and Interferences is therefore respectfully urged to sustain the Examiner's rejection.

Respectfully submitted,



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